

**UNITED STATES GOVERNMENT  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 16**

Houston, Texas

DRESSER VALVE DIVISION OF  
DRESSER EQUIPMENT GROUP, INC.

Employer

and

Case No. 16-RC-10250

INTERNATIONAL ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS, AFL-CIO

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds: 1/

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein. 2/
3. The labor organization involved claims to represent certain employees of the Employer. 3/

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 4/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

**INCLUDED:** All full-time and regular part-time production and maintenance employees including inspectors employed by the Employer at its 11100 West Airport Blvd, Stafford, Texas facility on the Grove and Masoneilan lines.

**EXCLUDED:** All office clerical employees, planners, quality analyst, quality engineer, guards, watchmen and supervisors as defined in the Act.

#### **DIRECTION OF ELECTION 5/**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. In this regard, Section 103.20(c) of the Board's Rules and Regulations, as interpreted by the Board, requires employers to notify the Regional Director at least five full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Failure to do so estops employers from filing objections based on nonposting of the election notice. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as

such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by International Association of Machinist and Aerospace Workers, AFL-CIO.

#### **LIST OF VOTERS**

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list containing the **full names and addresses** of all eligible voters which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969); and *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 16 Resident Office, Mickey Leland Federal Building, Suite 1545, 1919 Smith Street, Houston, Texas 77002, on or before **September 5, 2000**. No extension of time to file

this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### **RIGHT TO REQUEST REVIEW**

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by **September 12, 2000**.

**DATED** this 29<sup>th</sup> day of August, 2000, at Fort Worth, Texas.

/s/ Curtis A. Wells  
Curtis A. Wells, Regional Director  
NLRB Region 16

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1. The Employer and the Petitioner timely filed briefs which were duly considered.
  2. The parties stipulated, and I find, that Dresser Valve Division of Dresser Equipment Group, Inc., is a Delaware Corporation with an office and place of business located in Stafford, Texas where it is engaged in the manufacture and sale of industrial valves. During the past twelve months, a representative period, the Employer, in the course and conduct of its business operations has shipped and sold goods valued in excess of \$50,000 directly to points located outside the State of Texas.
  3. The record established that the Petitioner exists in whole, or in part, for the purpose of representing employees with regard to wages, hours, and terms and conditions of employment. The Petitioner has negotiated several collective bargaining agreements and currently has an agreement with Wyman Gordon, formerly known as Cameron Iron works located in Houston, Texas. The employees represented by the Petitioner are given an opportunity to meaningfully participate in the labor organization through filing grievances. Accordingly, I find that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act. ***Roytype, Division of Litton Business Systems, Inc.***, 199 NLRB 354 (1972).

4. The Petitioner seeks to represent all full-time and regular part-time production and maintenance employees including the quality inspectors on the Grove and Masoneilan lines at the Employer's Stafford, Texas facility. The Employer contends that the inspectors, who work in the quality department, should not be included in the appropriate unit because they work in a totally separate reporting chain. The Employer asserts, however, that if the inspectors are included in the unit, the quality analyst and quality engineer should also be included because their duties are similar to those of the inspectors, they have contact with the inspectors and they work under the same reporting chain as the inspectors.

The Employer further asserts that the planners should be included in the appropriate unit because they have regular contact with other production employees and they work within the Production Department. The Petitioner asserts that the planners, quality assurance analyst and quality engineer lack a community of interest with the employees in the petitioned-for unit and therefore should be excluded. The Petitioner further asserts that the planners, quality assurance analyst and quality engineers are managers as defined by the Act. There is no history of collective bargaining at this facility.

The facility involved in this proceeding is located at Stafford, Texas. Stu Brightman is President, Americas DVD, Dresser Valve Division. Vice-President of Engineering Ron Mason and Vice-President of Manufacturing Cory Nelson report directly to Brightman. Quality Assurance Manager Elliot Kaplan reports to Mason. Quality Analyst Lee Stucker, Quality Control Supervisor Jim Vehec and Quality Engineer Allen Street report to Kaplan. The inspectors in question report to Vehec. Operations Manager David Book reports to Nelson, and supervisors in the Machine Shop and the Assembly and Testing Department, the Maintenance Shop, the Traffic Department and Production Control report to Book. The parties stipulated, and I find, that the above mentioned individuals have the responsibility to direct employees' work and are supervisory or managerial employees within the meaning of the Act.

The Employer's valve production begins when component parts for valves are purchased from outside suppliers. The machine shop employees machine faces or weld nose ends or weld the ends of the valves. The valves are then assembled. They are then tested and inspected to ensure that quality standards have been met. The valves are then sent to shipping. The Employer also brings in complete valves from its sister companies. These valves are directly sent to the testing department. The day shift and very small evening shift consists of approximately five production and maintenance employees, including one inspector. There are approximately 28 employees in the petitioned-for unit.

### **Quality Inspectors**

The record revealed that there are four inspectors in the Quality Department and all of them report to Vehec. The inspectors work on the production floor. In the machine shop the inspector spends ninety percent of his time inspecting the incoming parts to ensure they are in compliance with standards while he spends ten percent inspecting the parts that are manufactured within the facility. If the inspector finds a deficiency in the part

that was manufactured in the shop, he rejects it and writes up a non-conformance report on the part. In the Assembly and Testing Department the inspectors work with the test assemblers on a daily basis by observing the assemblers remove heat numbers from the valves. The inspectors also work with the assemblers during the testing of the valves to ensure that they have been tested properly. After the testing procedure is complete, the inspector certifies in writing that the quality of the product is uniform and acceptable. Approximately 50 percent of the inspectors' workday is spent with the test assemblers and 50 percent is spent with the machine shop employees.

The quality inspectors are required to possess a high school diploma and some level of mathematical knowledge. They must also be able to read blueprints as well as possess skill in operating various instruments such as micrometers, calipers and indicators. Like the quality employees, machinists are also required to read blueprints and use micrometers and other measuring instruments in the performance of their job duties. The test assemblers are occasionally required to read blueprints and must be able to read certain measuring devices in the performance of their duties. The machinist and test assembler classifications also require a high school diploma.

The record revealed that the inspectors work out of an area on the production floor. They use the same break room and restrooms as do the production and maintenance employees. Like the production and maintenance employees they are hourly paid and punch the same time clock. Their rate of pay averages \$13.00 to \$14.00 per hour while the production and maintenance employees are paid between \$12.00 and \$20.00 per hour. Both production and maintenance employees and inspectors receive three days sick leave per year. Both production and maintenance employees and inspectors are provided uniforms. The record reveals that the inspectors and petitioned-for employees have not been transferred or assigned to the other's classification.

The inspectors have no authority to reprimand employees. They do not perform time or motion studies of other employees, nor do they participate in setting wage rates or scheduling of work. They cannot recommend overtime. If an inspector believes that there are deficiencies in the overall production process, they report said deficiencies to the production and maintenance supervisors who can halt the machine process. Similarly, if while in the Assembly and Test Department the inspector believes that a part is bad, he can reject it but management is called in for a final decision.

### **Community of Interest**

It is well settled that in cases concerning a question of representation the unit sought by Petitioner must be an appropriate unit, regardless of whether a broader unit is also appropriate. *Century Moving and Storage*, 251 NLRB 671, 679 (1980), citing *Pilot Freight Carriers, Inc.*, 223 NLRB 286 (1976). When determining whether a petitioned-for unit is appropriate, the Board considers whether the employees in the unit have a sufficient "community of interest." *Swift and Co.*, 129 NLRB 1391 (1961). Factors to be considered in making such a determination include: (1) degree of functional integration; (2) common supervision; (3) nature of employee skills and functions; (4) interchange of

employees and contact among the employees; (5) work sites; (6) general working conditions; and (7) fringe benefits. Also considered is the extent of the employer's organizational structure. *Kalamazoo Paper Box Corp.*, 136 NLRB 134, 137 (1962); *International Paper Co.*, 96 NLRB 295, 298 fn. 7 (1951). In determining whether a petitioned-for unit is appropriate, the Board has also found the petitioner's request to be a relevant consideration. *Marks Oxygen Co.*, 147 NLRB 228 (1964).

The Employer in its brief relies on *Lundy Packing Co.*, 314 NLRB 1042 (1994), enforcement denied, *N.L.R.B. v. Lundy Packing Co.*, 68 F.3d 1577 (4<sup>th</sup> Cir. 1995), where the Board found that the quality inspectors should properly be excluded from the unit. In that case the technicians were separately supervised, paid differently, and interchanged with each other but not with the production and maintenance employees. Further, the majority of their functions were generally different from those performed by the petitioned-for employees. In addition, there was no substantial contact between the technicians and the petitioned-for employees so as to compel their inclusion in the unit.

In the instant case, the quality inspectors, while separately supervised, work on the shop floor with the petitioned-for employees. They are paid hourly, work the same days and receive the same benefits as the petitioned-for employees. Further, unlike in the cited case, the inspectors have constant daily contact with the petitioned-for employees.

The record establishes that the quality inspectors and production and maintenance employees share a community of interest. Their jobs are functionally integrated as the inspector inspects the incoming component parts. The machinists machine the parts. After the parts are machined, they are sent for assembling and testing. The inspector works side by side with the assemblers on a daily basis as they remove the heat numbers from the valves ensuring that the parts are in conformance with standards. The inspectors also observe the testers as they test the valves to ensure that the quality of the product is uniform and acceptable. All use blueprints and some measuring devices in the performance of their work and possess a high school diploma.

While the evidence revealed that the inspectors spend fifty percent of their time observing the employees work, their main function is to ensure that the products meet established standards. They possess no supervisory indicia. The evidence revealed that if an inspector believes a part is deficient, the part is pulled but management makes the final decision with regard to the part. Likewise, if the inspector believes that there are problems on the machine line, management decides whether to halt the machine process.

While a supervisor in the Quality Department's reporting chain supervises the quality inspectors, the inspectors work exclusively on the production floor with the production employees. They work the same hours, have comparable rates of pay, punch the same time clock, are hourly employees, share the same restrooms and lunchroom, are furnished uniforms and receive the same amount of sick leave as the production and maintenance employees.

Based on the lack of bargaining history, the established community of interest and the high degree of functional integration between the quality inspectors and the petitioned-for employees, I find that the quality inspectors are properly included in the unit. On a daily basis they inspect the incoming components, inspect parts machined by the shop machinists, oversee the assembly and testing of the valves, and record the results of their observations and tests to ensure that production is of a uniform and high quality. Thus, the inspectors share a community of interest with the petitioned-for employees and therefore should be included in the appropriate unit. *Hogan Manufacturing*, 305 NLRB 806, (1991); *W. R. Grace & Co.*, 202 NLRB 788, 789 (1973).

### **Quality Analyst, Quality Engineer and Planners**

The record revealed that there is one quality engineer, one quality analyst and two planners who work in cubicles in a common area on the second floor of the facility away from the production and maintenance operation which is on the first level. The quality analyst and quality engineer report directly to Kaplan in the Quality Control Department. The planners work in the Production Control Department and report directly to supervisor Bruce Klayman. These employees are salaried and exempt, work the day shift and receive five sick days per year. They are not issued uniforms.

### **Quality Analyst**

The quality assurance analyst obtains data regarding the product from the inspectors and from this information prepares a material certification package which is shipped with the product to the customer. The record did not reveal the amount of contact between the inspectors and quality assurance analyst. The analyst spends some time off site meeting with the customer's inspectors at the supplier's facilities, where the company has finished components ready to be shipped. While the record revealed that the quality assurance analyst has brief daily contact with the production employees, no evidence was offered as to the nature of the contact nor was any evidence offered by the Employer as to the educational requirements of the quality assurance position.

The Employer relies on *The National Cash Register Co.*, 168 NLRB 910 (1967) as a basis for including the quality assurance analyst in the bargaining unit. In the cited case the employees had considerable contact with, performed duties similar or related to, shared the same supervision with, and had many of the same benefits as the petitioned-for employees. In the instant case, the quality assurance analyst has brief contact with the petitioned-for employees. His duties are not an integral part of the production process and are performed in an office in an administrative setting. He spends some time at suppliers' sites performing the same duties as at the Employer's facility and he does not share the same supervision as the petitioned-for employees. Indeed, his position is parallel to the quality supervisor, the inspectors' supervisor, and he and the quality supervisor both report directly to the quality assurance manager. He is salaried and exempt, has different benefits and does not work the same hours as the petitioned-for employees.

***Lundy Packing***, in fact, supports the conclusion that the quality assurance analyst should not be included in the appropriate unit because the majority of his functions, albeit related to the process, are generally different from those performed by the petitioned-for employees.

Based on the record evidence that the quality assurance employee is a salaried and exempt employee, reports directly to the quality assurance manager, has different fringe benefits, works out of an administrative office, works at the suppliers' sites, has only brief contact with the petitioned-for employees and performs duties that are not functionally integrated with the manufacturing of valves, I find that the quality assurance analyst does not share a community of interest with the production and maintenance employees and therefore, should be excluded from the unit found appropriate herein.

### **Quality Engineer**

The quality engineer works primarily off-site at the various suppliers' facilities inspecting components being manufactured for the Employer to ensure that these parts are in conformance with company standards. The quality engineer has brief daily contact with the production and maintenance employees each morning before he leaves the facility to go to the supplier's facility to perform his duties. The quality engineer has a marketing degree. The Employer offered no evidence as to whether this degree was necessary for the engineering position.

The Employer's reliance on ***Lundy Packing***, supra, as a basis for including the quality engineer in the unit is misplaced. In the instant case, the quality engineer has only brief contact with the petitioned-for employees. He spends the majority of his time off site at a supplier's facility inspecting their work. He has an administrative office and does not share the same supervision as the petitioned-for employees. Indeed, in the chain of command he is parallel to the quality supervisor, the inspectors' supervisor, and he and the quality supervisor report directly to the quality assurance manager. He is salaried and exempt, has different benefits and does not work the same hours as the petitioned-for employees. ***Lundy Packing***, supra, supports the finding that the quality engineer should be excluded from the appropriate unit because the majority of his functions, albeit related to the process, are generally different from those performed by the petitioned-for employees and not performed on the shop floor.

The record evidence revealed that the quality engineer is a salaried and exempt employee, reports to the quality assurance manager, has different fringe benefits, works out of a cubicle on the second floor of the facility, works days only, spends the majority of his time at suppliers' locations inspecting their products and has limited contact with the petitioned-for employees. While the record revealed that the quality engineer performs inspection of component parts, as do the inspectors at the facility, he is inspecting parts that are furnished by various suppliers at the suppliers' job sites rather than the parts manufactured by the production employees. Thus, his duties are not functionally integrated with the valve manufacturing process within the facility. Accordingly, I find that the quality engineer does not share a community of interest with

the production and maintenance employees and should be excluded from the unit found appropriate herein.

### **Planners**

The planners receive “requirements” from the computers, generate work orders, monitor the flow of work on the floor and close out the orders. A production department supervisor who does not supervise the other production employees supervises the planners. The Employer offered no evidence as to the planner’s educational requirements. While the record reveals that the planners come on the shop floor to determine the status of orders, there was no evidence offered as to who they communicate with or how often they appear on the shop floor. The record reflects that there is no interchange of job functions and duties between the planners and the petitioned-for employees.

The Employer relies on *Hussman Refrigerator Company*, 125 NLRB 621 (1959) as a basis for including the planners in the petitioned-for unit. In the cited case, based upon the community of interest established by such conditions as sharing the same shifts and working conditions and the interrelatedness between the positions, the expeditors were included in the unit. In the instant case, the planners do not share the same working conditions as the petitioned-for employees. They have different fringe benefits, different work hours, and work in an administrative setting and are salaried and exempt. Further, the Employer offered no evidence to establish with whom the planners communicate on the shop floor or how often they work on the shop floor. Thus, while their duties are a part of the overall manufacturing process, their duties are not substantially integrated with the manufacturing of a complete valve unit.

The record evidence established that the planners are salaried and exempt employees, work days only, report to a different supervisor, have different fringe benefits than the quality and production and maintenance employees, work out of a cubicle on the second floor of the facility, and have contact with the production and maintenance employees only to the extent of determining status of work orders. While the planners work in a division within the production and maintenance department, I find that this factor alone does not compel a finding of a community of interest. Accordingly, I find that the planners do not share a community of interest with the petitioned-for employees and should be excluded from the unit.

The Petitioner contends in its brief that the quality assurance analyst, the quality engineer and the planners are managerial employees within the meaning of the Act.

As I have found that these employees should be excluded from the bargaining unit based on a lack of community of interest, it is not necessary for me to reach this issue.

5. In accordance with Section 102.67 of the Board's Rules and Regulations, as amended, all parties are specifically advised that the Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

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